This listing of claims will replace all prior versions, and listings, of claims in the application:

<u>**LISTING OF CLAIMS:**</u>

1.   **(Currently Amended)**   A system for making a determination of whether a claim for a defense under a liability insurance policy should be referred to a higher review level comprising:

    a ~~tangible medium~~ <u>computer particularly configured with:</u>

    <u>particular data</u> setting forth a multiplicity of categories of circumstances relevant to analyzing the claim<u>;</u> which either apply or do not apply to the claim, and

    ~~human or~~ computer-executable instructions <u>particular</u> for determining<u>,</u> from the number of categories found to apply<u>,</u> ~~and optionally also from their relative importance,~~ whether the claim should be referred to a higher review level<u>, wherein the computer-executable instructions include programmed weightings of the applicable categories used for making the determination and a programmed threshold of the sum of weightings of the total categories or a sub-set of categories which determines the referral result, and</u>

    <u>computer-executable instructions for display of the results of applicable categories and the result of the referral determination</u>.

2.   **(Currently Amended)**   A method for determining whether a claim for a defense under a liability insurance policy should be referred to a higher review level comprising:

    ~~making a determination whether each of a multiplicity of categories of circumstances relevant to analyzing the claim either apply or do not apply to the claim and indicating such in a tangible medium setting forth the categories, and~~

    ~~based on the determinations of how many categories apply, and optionally also from their relative importance, executing, by human or computer action, instructions provided on or with the tangible medium to determine whether the claim should be referred to a higher review level~~

    <u>conducting, on a computer configured with particular data on whether each of a</u>

multiplicity of categories of circumstances relevant to analyzing the claim either apply or do not apply, computer-executable instructions particular to determining, based on how many categories apply, programmed weightings of the categories which apply and a programmed threshold of the sum of weightings of the total categories or a sub-set of categories, whether the claim should be referred to a higher review level,

displaying on the computer the results of applicable categories and result of the referral determination.

3.   **(Canceled)**

4.   **(Canceled)**

5.   **(Currently Amended)**   A system according to claim 1, further comprising computer-executable instructions for determining, from the number of categories found to apply, whether the claim should be automatically referred to a higher review level without further analysis or referred to a higher review level with qualification of an additional analysis.

6.   **(Currently Amended)**   A method according to claim 2, further comprising computer-executable instructions for determining, from the number of categories found to apply, whether the claim should be automatically referred to a higher review level without further analysis or referred to a higher review level with qualification of an additional analysis.

7.   **(Currently Amended)**   A system according to claim 5, wherein the ~~tangible medium contains~~ computer is further configured to display the results of applicable categories so that multiple categories are displayed in a primarily prominent portion of the ~~medium from which the determination of automatic referral is made~~ display and ~~multiple~~ other categories are displayed in a secondarily prominent portion, the determination of ~~qualified~~ referral being made from the categories in both such portions.

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8.   **(Currently Amended)**   A method according to claim 6, wherein the ~~tangible medium~~ computer display contains multiple categories in a primarily prominent portion ~~of the medium from which the determination of automatic referral is made~~ and ~~multiple~~ other categories in a secondarily prominent portion, the determination of ~~qualified~~ referral being made from the categories in both such portions.

9.   **(Canceled)**

10.   **(Canceled)**

11.   **(Currently Amended)**   A system according to ~~claim 8~~ claim 7 wherein the primarily prominent portion contains five categories.

12.   **(Currently Amended)**   A method according to ~~claim 9~~ claim 8 wherein the primarily prominent portion contains five categories.

13.   **(Original)**   A system according to claim 11 wherein the five categories in the primarily prominent portion are: 1) Preliminary Analysis Suggests Denial; 2) Mixed Suit - Covered and/or Potentially Covered with Uncovered Claims; 3) Key Policyholder Counsel Tenders Claim for Defense or Independent/Cumis Counsel Involved; 4) Misrepresentation or Omission in Application and/or Pre-existing Loss Suspected; and one of the following: 5) Umbrella/Excess Coverage by Company, 6) Defense Tendered by Other than Named Insured, 7) Latent and/or Continuous and Progressive Injury or Damage, 8) Other Carriers Involved, or 9) Target Claims/Damages Alleged.

14.   **(Original)**   A method according to claim 12 wherein the five categories in the primarily prominent portion are: 1) Preliminary Analysis Suggests Denial; 2) Mixed Suit - Covered and/or Potentially Covered with Uncovered Claims; 3) Key Policyholder Counsel Tenders Claim for Defense or Independent/Cumis Counsel Involved; 4) Misrepresentation or

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Omission in Application and/or Pre-existing Loss Suspected; and one of the following: 5) Umbrella/Excess Coverage by Company, 6) Defense Tendered by Other than Named Insured, 7) Latent and/or Continuous and Progressive Injury or Damage, 8) Other Carriers Involved, or 9) Target Claims/Damages Alleged.

15.   **(Original)**   A system according to claim 13 wherein the secondarily prominent portion contains the other categories 5) to 9) not on the primarily prominent portion plus the following categories: 10) Internet-Related Liability Issues, 11) Potential Personal Injury or Advertising Injury, 12) Insolvent Insurer and/or Guaranty Fund Involved or On Notice, 13) SIR of $100,000 or More, and 14) Employment-Related Claims.

16.   **(Original)**   A method according to claim 14 wherein the secondarily prominent portion contains the other categories 5) to 9) not on the primarily prominent portion plus the following categories: 10) Internet-Related Liability Issues, 11) Potential Personal Injury or Advertising Injury, 12) Insolvent Insurer and/or Guaranty Fund Involved or On Notice, 13) SIR of $100,000 or More, and 14) Employment-Related Claims.

17.   **(Original)**   A system according to claim 1 wherein at least one category also contains associated with it one or more selectable data entries which relate to bases for finding the category applicable.

18.   **(Original)**   A method according to claim 2 wherein at least one category also contains associated with it one or more selectable data entries which relate to bases for finding the category applicable.

19.   **(Original)**   A system according to claim 15 wherein each category also contains associated with it one or more selectable data entries which relate to bases for finding the category applicable.

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20. **(Original)** A method according to claim 16 wherein each category also contains associated with it one or more selectable data entries which relate to bases for finding the category applicable.

21. – 32. **(Canceled)**

33. **(Currently Amended)** A system according to claim 1 wherein the ~~tangible medium contains~~ <u>computer includes</u> at least one data entry ~~area~~ for information identifying the claim.

34. **(Currently Amended)** A method according to claim 2 wherein the ~~tangible medium contains~~ <u>computer includes</u> at least one data entry ~~area~~ for information identifying the claim.

35. – 38. **(Canceled)**

39. **(New)** A system according to claim 1 which further includes computer-executable instructions for changing the programmed weightings applicable to each category based on the previous data indicating that particular categories deserve more or less weight in making the determination.

40. **(New)** A method according to claim 2 which further includes computer-executable instructions for changing the programmed weightings applicable to each category based on the previous data indicating that particular categories deserve more or less weight in making the determination.

41. **(New)** A system according to claim 15, wherein the programmed weightings for the categories in the primarily prominent portion are higher than the programmed weightings for the categories in the secondarily prominent portion.

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42.   (**New**) A method according to claim 16, wherein the programmed weightings for the categories in the primarily prominent portion are higher than the programmed weightings for the categories in the secondarily prominent portion.

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